



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **MP-5**

May 19, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION
SLOPE EASEMENT/RESTRICTED USE AREA - MALIBU
SUPERVISORIAL DISTRICT 3
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this action categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that:
 - a. Pursuant to Section 8333 (a) of the California Streets and Highways Code, the slope easement/restricted use area (hereafter referred to as the "Easement") has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
 - b. Pursuant to Section 8334 (a) of the California Streets and Highways Code, the Easement is excess and not required for street or highway purposes.

- c. Pursuant to Section 892 of the California Streets and Highways Code, the Easement to be vacated is not useful as a nonmotorized transportation facility and is not needed for present or prospective public use.
3. Adopt the enclosed Resolution of Summary Vacation to vacate the Easement northeast of Rambla Pacifico as described in Exhibit "A" and depicted in Exhibit "B" of the Resolution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Mr. Eric B. Gordon and Ms. Judy A. Abel, the underlying fee owners, requested this vacation to extinguish public rights and County interest over the unused Easement within the applicants' property. This vacation will eliminate the Easement encumbering the property, enabling the Abels to construct improvements to their home. Vacation of the Easement will not have any negative impact on any adjacent properties or on the adjoining road.

The Easement was dedicated to the County in 1976 by Tract No. 30203. We have concluded that the Easement is no longer needed due to site topography and the impracticality of widening Rambla Pacifico in the future. It is in the County's interest to vacate the Easement since it is no longer required for public access, circulation, or nonvehicular transportation facility.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the Easement will result in added revenue through assessment and taxation, eliminates unnecessary maintenance costs, and removes possible County exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the Easement will not have a negative fiscal impact on the County's budget. A fee of \$1,000 was paid by the owners to defray the expenses of the investigation. The fee is authorized by your Board in a Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 4,230 square feet and is shown on the map attached to the Resolution.

The County's interest in the Easement was acquired by dedication in Tract No. 30203, recorded in Book 867, pages 80 through 86, inclusive, of Maps, in the office of the Registrar-Recorder/County Clerk.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to relinquish the County's interest over the Easement. Adoption by your Board of Public Works' recommendation terminates the rights of the public to the vacated area and disposes of excess County right of way. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated area.

ENVIRONMENTAL DOCUMENTATION

This proposed vacation is categorically exempt from CEQA as specified in Sections 15301, 15304, 15305, and 15321 of the State CEQA Statutes and Guidelines and as specified in Classes 1, 4, 5, and 21 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Fire Department has found that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation is not in conflict with the County-adopted General Plan and that the vacation area is not suitable for bicycle paths and trails.

CONCLUSION

This action is in the County's best interest. Enclosed are two Resolutions of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return one executed original and a copy to us for further processing. We will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed original for your files.

The Honorable Board of Supervisors
May 19, 2005
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One approved copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE
Acting Director of Public Works

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Enc.

cc: Chief Administrative Office
County Counsel

RESOLUTION OF SUMMARY VACATION

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that it is hereby found and determined that the portion of real property designated as "EASEMENT TO THE COUNTY OF LOS ANGELES FOR SLOPE PURPOSES/ RESTRICTED USE AREA (hereafter referred to as the "Easement")" northeast of Rambla Pacifico, legally described in Exhibit "A" and as shown by the map in Exhibit "B", both attached hereto and incorporated herein by this reference, which right of way (Easement) is located in the unincorporated area of Malibu, in the County of Los Angeles, State of California, is no longer needed for present or prospective public use based upon the following facts: (1) the Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and (2) the Easement is excess right of way not required for street or highway purposes;

BE IT FURTHER RESOLVED that the Easement in, over, and across Lot 6 of Tract No. 30203, legally described in Exhibit "A" and as shown by the map in Exhibit "B", is hereby vacated pursuant to Chapter 4, Part 3, Division 9 of the Streets & Highways Code, State of California, commencing with Section 8330.

BE IT FURTHER RESOLVED that the Easement to be vacated is not useful as a non-motorized transportation facility and that no in-place public utility facilities that are in use would be affected by the vacation.

BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the office of the Recorder of the County of Los Angeles, at which time the Easement vacated will no longer be a public easement.

The foregoing Resolution was on the _____ day of _____, 20_____, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio, the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.,
County Counsel

By _____
Deputy

By _____
Deputy

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Slope Easement / Restricted Use Area
e/o Rambla Pacifico and
nw/o Monte Viento Drive
A.M.B. 4453-030-006
T.G. 629-E2
I.M. 129-077
Third District
M0488129

EXHIBIT "A"

Legal Description

That portion of Lot 6 of Tract No. 30203, in the unincorporated territory of the County of Los Angeles, State of California, as shown on the map filed in Book 867 pages 80 to 86 inclusive, of Maps in the Office of the Recorder of said county, designated as "EASEMENT TO COUNTY OF LOS ANGELES FOR SLOPE PURPOSES" and "RESTRICTED USE AREA".

Total Area: 4230±square feet

Description Approved

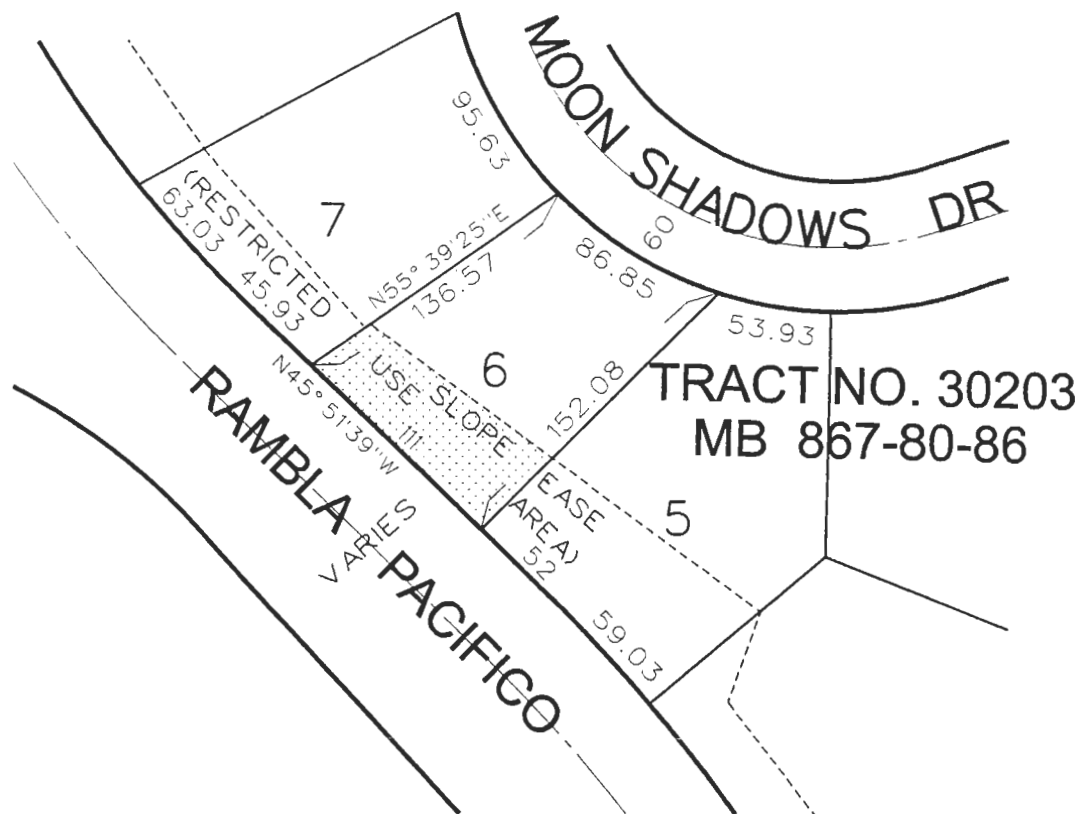
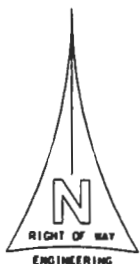
SEP 01 2004

DONALD L. WOLFE

Interim Director of Public Works

By *Rafael M. M0488129*
Deputy

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the Land Surveyors Act.



SUBJECT
LOCATION

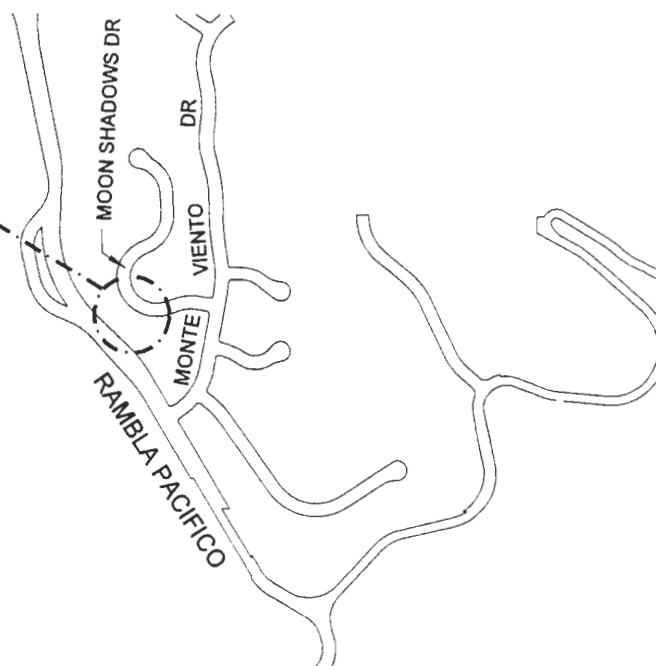



EXHIBIT "B"

LEGEND	
	Proposed Vacation Area = 4,230± Sq. Ft.

REVISIONS					
				1.	2.
				3.	
DEPARTMENT OF PUBLIC WORKS				MAPPING & PROPERTY MANAGEMENT DIVISION	
S.D. 3	R.D. 336	A.M.B. 4453-030-006	T.G. 629 E/2	SLOPE EASEMENT / RESTRICTED USE AREA E/O RAMBLA PACIFICO NW/O MONTE VIENTO DRIVE 23430 MOON SHADOWS DRIVE	DRAWING NO. M0488129 Previously M0488109
SCALE NONE		DATE 03/01/04	I.M. 129-077		